

BARRY J. PORTMAN
Federal Public Defender
MANUEL U. ARAUJO
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753

EXHIBIT D

Counsel for Defendant PERDOMO-SOTO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00373 - RMW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	SENTENCING DATE TO
v.)	FEBRUARY : , 2012 AND
)	 ORDER
LUIS PERDOMO-SOTO,)	
)	
Defendant.)	

The parties, the United States of America, and defendant, Luis Perdomo-Soto, through their respective counsel, and subject to the Court's approval, stipulate and agree that the Court move the sentencing date in this case from January 9, 2012 to February 8, 2012, at 10:00 a.m. The continuance is requested by the defendant's counsel for the following reasons. On November 6, 2011, defense counsel's eighty-eight year old mother broke her hip. On November 9, 2011, defense counsel made his final argument in the case of United States vs. Suibin Zhang. CR 05-00812 RMW. Between November 9, 2011, through November 25, 2011, defense counsel took leave to attend to his mother who after overcoming complications, had hip surgery on November 12, 2011. A number of complications arose due to counsel's mother's age, health, and the effects of major surgery. On November 22, 2011, counsel's mother's doctors sent her home where she received hospice care and with the expectation that she would die shortly. Counsel's mother died on December 13, 2011, and was buried on December 20, 2011. Because of these reasons

STIPULATION TO CONTINUE SENTENCING DATE
No. CR-10-00373 - RMW

1 and counsel's case load, he has not had sufficient time to complete his investigation and/or
2 complete a supplemental pleading regarding whether the defendant is entitled to a safety value
3 departure from the mandatory minimum sentence. Defense counsel will also not be available
4 during the week of January 3, 2012, and therefore cannot complete his work during that week.

5 Defense counsel has conferred with United States Probation Officer Aylin Raya, and she has
6 no objection to the proposed date.

7 IT IS SO STIPULATED.

8
9 DATED: January 3, 2012

Respectfully submitted,

10
11 /S/
12 MANUEL ARAUJO,
Attorney for Defendant

13 DATED: January 3, 2012

14 /S/
15 EUMI CHOI,
Assistant United States Attorney

16
17 **|| ORDER**

18
19 WHEREFORE, based on the above, the COURT HEREBY ORDERS that the sentencing
20 date in the above-captioned case be moved from January 9, 2012 to February 8, 2012,
21 at 10:00 a.m.

22
23 DATED: FEB 8

24 
25 RONALD M. WHYTE,
26 United States District Court Judge
27
28